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**THE CITY OF SANTA CLARA
CALIFORNIA**

STEPHEN D. LODGE
CHIEF OF POLICE

May 25, 2004

POLICE DEPARTMENT
601 EL CAMINO REAL
SANTA CLARA, CA 95050
FAX (408) 248-0276

Honorable Michael K. Powell, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RECEIVED

JUN 23 2004

RE: WT Docket No. 03-66 - ITFS Spectrum

Federal Communications Commission
Office of the Secretary

Dear Chairman Powell:

I am writing on behalf of the Santa Clara County Police Chiefs Association, the Santa Clara County Fire Chiefs Association, and the Santa Clara County/Cities Managers' Association here in the Silicon Valley to bring your attention to what we believe to be a potential risk to public safety. It is our understanding that a proposal from the Wireless Bureau is being circulated for rushed FCC consideration that, if approved, would essentially eliminate the eligibility restrictions on the Instructional Television Fixed Service (ITFS) spectrum and reduce the amount of spectrum held by each ITFS licensee in order to accommodate new commercial users in the band.

For many years now, San Jose State University (SJSU) has been licensed to use ITFS channels in the 2.5 GHz band to transmit instructional programming to students in our schools. The advent of new technologies and the prospect of band plan and rule changes requested by the ITFS community promise new digital educational services that will enhance our service to students and the community.

ITFS is currently the only spectrum specifically allocated to support formal education. Just three years ago, the FCC promised to protect this vital educational asset. One might ask what possible compromise of public safety could come from a reduction in spectrum to educational institutions? It is our belief that the potential risk is great.

For several years, more than 30 First Responder agencies in Santa Clara County, California, have been working collaboratively to address interoperability issues. Like law enforcement and fire agencies from across the nation, the Silicon Valley Regional Interoperability Project (SVRIP) has been searching for solutions to help protect our communities, communicate more effectively, and respond more efficiently in this changing world. Stakeholders in the SVRIP are in the unique position to be able to leverage the lightening-fast, web-based technologies that are commonplace in the private sector throughout Silicon Valley. We have partnered with Northrop Grumman Corporation to architect a network to achieve seamless interoperability amongst and between our first responders, and provide SJSU with on- and off-campus educational access. This partnership has already resulted in a comprehensive plan to guide the stakeholder agencies to a unique multi-phased interoperable communications system.

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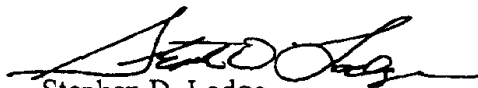
Because of the complexities and numbers of disparate systems in Santa Clara County, the number and types of agencies committed to this project, and the phased approach that is being implemented, a true system-of-systems will result. The relationship with SJSU is also unique and could serve as an inspiration for other communities' safety/first responder/university partnerships across the United States. The project will serve as a "cafeteria-style" model—any agency looking at the project will find something to apply to its situation.

As the FCC updates the technical rules for ITFS to more effectively support a range of new broadband services, we urge you to reject any proposal to allow any ITFS spectrum to be licensed to commercial entities or to reduce in any respect the total amount of spectrum allocated to ITFS. At a minimum, we urge you to delay consideration of the proposal to a later meeting so that our concerns may be heard.

The possibilities for future development of educational services in the ITFS band are exciting, and we plan to use the spectrum fully in the years ahead. The potential partnership between public safety and universities, like the proposed use of spectrum being considered in Silicon Valley, could have significant benefits to public safety across the country. I hope that you will support our efforts to keep this valuable educational and potential public safety resource.

Thank you for your consideration of this important matter. Should you have any questions, please do not hesitate to contact Ms. Sheryl Contois, Palo Alto Police Department, (650) 329-2498.

Sincerely,



Stephen D. Lodge
Chief of Police

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein

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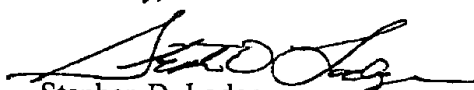
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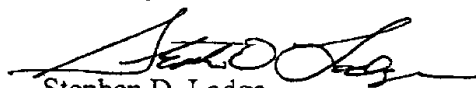
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